

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DEBRA BLOOMER, Individually, and as)
Mother and Guardian of JONATHAN)
BLOOMER, a minor,)

Plaintiff,)

vs.)

BRIDGESTONE FIRESTONE NORTH)
AMERICAN TIRE, LLC,)
a Tennessee Limited Liability Company,)

Defendant.)

Case No. 8:05CV503

MOTION IN LIMINE

COMES NOW the Plaintiff, by and through her attorney, Timothy J. O'Brien, and moves the Court for an Order preventing Defendants and Defendants' counsel from mentioning to the jury at any stage in the proceedings including voir dire, opening statement and closing argument or attempting to elicit any evidence by the use of leading or suggestive questions to any witness, any reference or any statement or evidence on the following subjects:

1. Any statements within the medical records of Debra Bloomer and Jonathan Bloomer which are not made with the purpose to assist in the provision of medical diagnosis or treatment and which would be relied upon by treating healthcare professionals in providing medical treatment (FRE 8039(4)).
2. Any questioning of any witness, including the Plaintiff, either in direct or cross examination by using medical records which have not been previously placed into evidence.
3. Any reference or implication that counsel for the Plaintiff engages in advertising.
4. Any use of the word "lottery".

In support of this Motion, Plaintiff states that none of the above matters are relevant, all are highly prejudicial and none of the above matters are supported by any evidence in the record, nor are any of the above proper under Nebraska law.

WHEREFORE, Plaintiff prays the Court enter an Order sustaining Plaintiff's Motion.

Dated this _____ day of August, 2008.

DEBRA BLOOMER, Individually, and as Mother
and Guardian of JONATHAN BLOOMER, a
minor, Plaintiff,

By: s/Timothy J. O'Brien, #16011
HAUPTMAN, O'BRIEN, WOLF
& LATHROP, P.C.
1005 S. 107th Avenue, Suite 200
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and
William Frates
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ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF SERVICE

The herby state that on the 29th day of August, 2008, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system which sent notification of such filing to the following:

Daniel P. Chesire
Lamson, Dugan & Murray, LLP
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